

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ABANDON A PORTION OF FLORENCE STREET, N.E., LOCATED BETWEEN EAST AVENUE, N.E. AND THE DEAD-END OF FLORENCE STREET CONSISTING OF APPROXIMATELY 0.128 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A," LYING AND BEING IN LAND LOT 19 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has received a formal request from the abutting property owner, the Midtown Bank, to abandon a portion of Florence Street, N.E. (described in Exhibit "A" and hereafter referred to as "Florence Street"); and

WHEREAS, the abandoned portion of Florence Street will become part of the abutting property owner's private property, and it will be said owner's responsibility to maintain, operate, and provide all services and utilities.

WHEREAS, the Department of Public Works has reviewed the request from the abutting property owner and concluded that the abandonment of this portion of the right-of-way will not have any adverse affect on traffic movement now and in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the portion of Florence Street, N.E., located between East Avenue, N.E. and the dead-end of Florence Street, N.E., being more specifically described in the attached Exhibit "A," lying and being in Land Lot 19 of the 14th District of Fulton County, Georgia, is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2: That the City hereby expresses its intent to abandon Florence Street (as hereinabove described).

Section 3: That the abutting property owner has agreed to pay the fair market value of the abandoned street as determined by the appraisal for the abandoned portion of Florence Street.

Section 4: That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

Section 5: That the abutting property owner has or will comply with all requirements as outlined in Section 138-9 of the City of Atlanta's Code of Ordinances.

Section 6: That the Chief Procurement Officer is hereby directed to prepare an appraisal to determine the fair market value of the right-of-way to be abandoned and perform all other

responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

Section 7: That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the abutting property owner in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

Section 8: That the Mayor be and is hereby authorized to execute a Quitclaim Deed to convey any interest that the City may have in the above-referenced portion of Florence Street (herein described in Exhibit "A").

Section 9: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption: AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ABANDON A PORTION OF FLORENCE STREET, N.E., LOCATED BETWEEN EAST AVENUE, N.E. AND THE DEAD-END OF FLORENCE STREET CONSISTING OF APPROXIMATELY 0.128 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A," LYING AND BEING IN LAND LOT 19 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

Council Meeting Date: November 16, 2009

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to abandon City of Atlanta undeveloped right-of-way for development.

2. Please provide background information regarding this legislation.

By abandoning Florence Street the applicant will be able to consolidate the parcels. Applicant will rezone and convert one single lot into 6 lots under R5 zoning.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) **Bids/Proposals Due:**

(d) **Invitations Issued:**

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

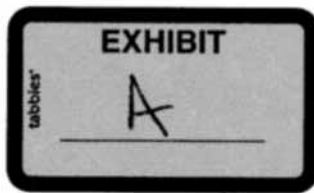
4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Wahab Alabi



Tract Legal Description:

All that tract or parcel of land lying or being in Land Lot 19 of the 14th District of Fulton County, Georgia being more particularly described as follows:

Commencing from the point of intersection of the westerly right-of-way Sampson Street (40' R/W) with the southerly right-of-way East Avenue (50' R/W); thence, N.83°46'18"W. a distance of 60.80 feet to the point of intersection of the aforesaid southerly right-of-way East Avenue with the easterly right-of-way Florence Street (30' R/W), said point being the TRUE POINT OF BEGINNING; thence, S.05°58'08"W. continuing along said easterly right-of-way Florence Street a distance of 185.90 feet to a point; thence, N.81°51'46"W. leaving the aforesaid easterly right-of-way a distance of 30.02 feet to a point on the westerly right-of-way Florence Street (30' R/W); thence, N.05°58'08"E. along said westerly right-of-way Florence Street a distance of 184.90 feet to the point of intersection of the aforesaid westerly right-of-way Florence Street with the southerly right-of-way East Avenue (50' R/W); thence, S.83°46'18"E. continuing along said southerly right-of-way East Avenue a distance of 30.00 feet to the point of intersection of the aforesaid right-of-way East Avenue with the easterly right-of-way Florence Street (30' R/W), said point also being the TRUE POINT OF BEGINNING.

Said tract or parcel contains 0.128 acres of land as shown on plat of survey prepared by EDI Engineers and Surveyors, Inc. and dated May 22, 2007.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: October 13, 2009

Anticipated Committee Meeting Date(s): November 10, 2009

Anticipated Full Council Date: November 16, 2009

Legislative Counsel's Signature: Saul Schultz

CR Commissioner Signature: *[Signature]*

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ABANDON A PORTION OF FLORENCE STREET, N.E., LOCATED BETWEEN EAST AVENUE, N.E. AND THE DEAD-END OF FLORENCE STREET CONSISTING OF APPROXIMATELY 0.128 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A," LYING AND BEING IN LAND LOT 19 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 10/8/09 *[Signature]* Reviewed by: *[Signature]*
(date) (date)

Submitted to Council: _____